

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CARRIE BRANDON

PLAINTIFF

VERSUS

CAUSE NO.: 4:21-cv-00107-DMB-JMV

KENAN TRANSPORT, LLC

DEFENDANT

**AMENDED COMPLAINT
JURY TRIAL REQUESTED**

COMES NOW Carrie Brandon, by and through counsel, and for cause of action against the defendant, Kenan Transport, LLC states and alleges the following:

PARTIES

1. Carrie Brandon is an adult resident citizen of Friars Point, Coahoma County, Mississippi.
2. Kenan Transport, LLC is a Delaware company organized and existing under the laws of the State of Delaware; is not licensed to do but is doing business in the State of Mississippi; whose sole member is KAG Leasing, Inc., which is a corporation organized under the laws of the State of Delaware with its principal place of business located in the State of Ohio; and, may be served by and through service upon its registered agent for service, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. Further, the amount in controversy exceeds \$75,000.00.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332.
4. Venue is proper under 28 U.S.C. §1391 because the events or omissions giving rise to the claims alleged herein are in this district.

FACTS

5. On or about April 4, 2020, Carrie Brandon was operating a vehicle in a southerly direction on Highway 61 near its intersection with Rich Road in Coahoma County, Mississippi. At such time, Carrie Brandon was lawfully and prudently traveling south on Highway 61 within her lane of travel.
6. At the same time and place, a vehicle owned by Kenan Transport, LLC was being operated by an unknown driver who was in the course and scope of his employment Kenan Transport, LLC and was traveling in a southerly direction on Highway 61 near its intersection with Rich Road in Coahoma County, Mississippi in the lane to the left of the vehicle being operated by Carrie Brandon. At such time, the vehicle owned by Kenan Transport, LLC which was being operated by an unknown driver who was in the course and scope of his employment Kenan Transport, LLC left its lane of travel, crossed over the line and entered the lane of travel occupied by Carrie Brandon and collided with the vehicle being operated by Carrie Brandon.

7. The collision and resulting damages to Carrie Brandon were directly and proximately caused by the negligence of the driver of the vehicle owned by Kenan Transport, LLC and who was in the course and scope of his employment Kenan Transport, LLC at the time of the collision in the following ways:

- (a) Failing to obey the traffic signs;
- (b) Failing to keep his vehicle under reasonable and proper control;
- (c) Failing to keep a reasonable and proper lookout as he operated his vehicle;
- (d) Failing to yield the right of way;
- (e) Failing to obey traffic signals;
- (f) Failing to abide by the Rules of the Road;
- (g) Operating his vehicle in a careless and negligent manner;
- (h) Failing to give adequate warnings of a collision;
- (i) Causing his vehicle to collide into the Plaintiff; and/or,
- (j) Other acts of omission and commission to be named in a trial of this matter.

8. At all relevant times hereto, the unknown driver was operating a vehicle owned and maintained by Kenan Transport, LLC and was acting in the course and scope of his employment with Kenan Transport, LLC. As such, Kenan Transport, LLC is vicariously liable for any and all negligent acts of the unknown driver under the theory of Respondeat Superior and/or vicarious liability as the employer of the

unknown driver or as owner and maintainer of the vehicle the unknown driver was operating at the time of the collision.

9. As a direct and proximate result of the negligence of Defendant's driver, Carrie was caused to suffer serious, permanent, painful and disabling injuries to her body and property which resulted in the following damages to Carrie:

- a) Past, present, and future pain and suffering and resulting emotional distress and mental anguish;
- b) Past, present, and future loss of wages or wage earning capacity;
- c) Past, present and future medical expenses;
- d) Loss of household services;
- e) Loss of enjoyment of life;
- f) Permanent scarring, disfigurement, impairment and disability
- g) Attorney's fees;
- h) Pre-judgment interest;
- i) Post-judgment interest; and,
- j) All costs of court.

WHEREFORE, PREMISES CONSIDERED, Carrie Brandon demands judgment against Defendant Kenan Transport, LLC for an amount of actual, compensatory, consequential and incidental damages, past, present and future pain and suffering and resulting emotional distress and mental anguish, past present and future loss of wages or wage earning capacity, past, present and future medical expenses, loss of household

services, permanent scarring, disfigurement, impairment and disability, loss of enjoyment of life, pre- and post-judgment interest, together with attorney's fees, costs of court and any further relief to be determined by a jury of Plaintiff, Carrie Brandon's peers arising from the negligence of Defendant Kenan Transport, LLC and any other relief she may be entitled to under the law.

RESPECTFULLY SUBMITTED, this the 27th day of September, 2021.

CARRIE BRANDON, PLAINTIFF

BY: /s/ Nicholas A. Puckett

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have this day served the instant filing via the Court's electronic filing system which will send a notification to all known counsel of record.

/s/ Nicholas A. Puckett
COUNSEL OF RECORD